



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Kirk Jowers
Caplin & Drysdale, Chartered
One Thomas Circle, NW
Suite 1100
Washington, DC 20005

FEB 06 2009

RE: MUR 5937
Kem Gardner

Dear Mr. Jowers:

On September 11, 2007, the Federal Election Commission notified your client, Kem Gardner, of a complaint alleging that he had violated the Federal Election Campaign Act of 1971, as amended.

On January 28, 2009, the Commission considered the complaint but was equally divided on whether to find reason to believe Kem Gardner violated 2 U.S.C. § 441a(a). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). One or more Statement(s) of Reasons explaining the Commission's decision will follow.

If you have any questions, please contact Roy Q. Lockett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan L. Lebeaux".

Susan L. Lebeaux
Assistant General Counsel

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